

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

IN RE:

**JOE MONGE, and
ROSANA MONGE,**

Debtors.

CASE NO. 08-30881-LMC

CHAPTER 11

**MOTION FOR EXTENSION OF TIME TO FILE
AND CONFIRM CHAPTER 11 PLAN**

TO THE HONORABLE LEIF M. CLARK, UNITED STATES BANKRUPTCY JUDGE:

NOW COMES Joe Monge and Rosana Monge, Debtors in the above entitled and numbered case by and through Sidney J. Diamond of Sidney Diamond, P.C, their attorney of record and files this Motion for Extension of Time to File and Confirm Chapter 11 Plan and would respectfully show the Court the following:

1. The Debtors filed a Petition For Relief Under Chapter 11 of Title 11, United States Code on May 27, 2009. The Debtors remain in possession of their property and are operating their business. The Debtors case is a small business case.
2. That the time period within which to file a Chapter 11 Plan as required by Section 1121(b) of Title 11, United States Code, will expire on February 22, 2010.
3. Immediately prior to filing the Petition for Relief, Debtor, Joe Monge became disabled and required surgery and radiation. Debtor, Joe Monge is unemployed and has been receiving one-half of the social security checks for his disability but will shortly be receiving the full amount which he anticipates will be approximately \$4,000 per month.
4. At the same time Debtor, Rosana Monge started her internship in the Seguro Social and Hospital General in Cd. Juarez, Chihuahua, Mexico. In addition, she has been employed full time as a Licensed Nurse Practitioner at the VA Clinic at William Beaumont Medical Center. In May, 2010, she will finish her internship and take her medicals. After taking

her medicals Debtor anticipates that she will acquire a higher position at the VA with a substantial increase in pay.

5. Debtor Rosana Monge is in negotiation to open a clinic in Northeast El Paso. The Debtors own the land and have investors who are willing to invest in building the clinic. It will take time to build the clinic, but it will be the best source of income for the Debtor, Rosana Monge.

6. Debtors have entered into a loan modification with Countrywide Home Mortgage, which they believe is about complete and which will substantially lower their home mortgage payments.

7. Heretofore, although Debtors have had income coming in they are still not able to pay all of their creditors. Counsel for Debtors has been reluctant to file a Chapter 11 Plan based upon their current income. The Debtors anticipate that after Debtor, Joe Monge receives his full social security disability check and after Mrs. Monge either opens the clinic or acquires a better paying position with the VA, most of their problems will be solved which will enable them to report a profit in their monthly operating reports exclusive of administrative costs of the Chapter 11 case.

8. Debtors can demonstrate by a preponderance of the evidence that they can file a confirmable plan of reorganization if this extension is granted. A confirmable plan of reorganization is being drafted at this time. If an extension is granted the Debtors will file a confirmable plan of reorganization within one hundred eighty (180) business days of February 22, 2010.

9. At the time the plan is filed the Debtors will move for conditional approval of their disclosure statement and ask for a confirmation hearing together with standard dates for conclusion of voting and objection to confirmation. The Debtors request an extension of time within which to file a Chapter 11 Plan until August 22, 2010 with a corresponding increase and extension to the standard dates for conclusion of voting and objections to confirmation and to

confirm a Chapter 11 Plan or such other dates as may accommodate the Court's calendar .

WHEREFORE, THE DEBTORS PRAY:

1. For an Order extending the time to file their Chapter 11 Plan until August 22, 2010;
- and,
2. For such other and further relief as the Debtors may show themselves to be justly entitled.

DATED: February 2, 2010.

Respectfully submitted,

SIDNEY DIAMOND, P.C.

By: /s/ Sidney J. Diamond
Sidney J. Diamond
Attorney For Debtor
Texas Bar Card No.: 5803000
3800 N. Mesa, Suite C-4
El Paso, Texas 79902
915-532-3327 Voice
915-532-3355 Fax
Sidney@sidneydiamond.com Email

CERTIFICATE OF SERVICE

I, Sidney J. Diamond, do hereby certify that on May 22, 2009, a true and correct copy of the foregoing Motion for Extension of Time to File and Confirm Chapter 11 Plan, by depositing the same in the United States Mail, properly addressed and postage prepaid, or by fax or email as noted, to the following parties:

DEBTORS:

Joe and Rosana Monge
51 Sierra Crest Drive
El Paso, Texas 79902

UNITED STATES TRUSTEE:

Office of the U.S. Trustee
P.O. Box 1539
San Antonio, TX 78295-1539

PARTIES IN INTEREST

PREVIOUSLY REQUESTING NOTICE:

City of El Paso
c/o David G. Aelvoet
711 Navarro, Suite 300
San Antonio, TX 78205

Lane C. Reedman
Attorney for Francisco Jayme & Alicia Rojas
4171 N. Mesa, Suite B-201
El Paso, TX 79902

MOTION FOR EXTENSION OF TIME TO AND CONFIRM PLAN, Page 3

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Ascension Capital Group
ONYX Acceptance Corp.
Capital One Bank
PO Box 20137
Arlington, TX 76006

El Paso Area Teachers Federal Credit Union
c/o Carlos Miranda III, PC
5915 Silver Springs, Bldg. 3A
El Paso, TX 79912

THE TWENTY LARGEST UNSECURED CREDITORS:

Bill Issac
5880 Kingfield Ave.
El Paso, TX 79912

Pablo Aguirre, Jr.
1012 Chiricahua Dr.
El Paso, TX 79912

State of New Mexico
Taxation and Revenue Dept.
PO Box 8390
Santa Fe, NM 87504-8390

Citi
Attn: Centralized Bankruptcy
PO Box 20507
Kansas City, MO 64915

LFG Lease Finance Group, LLC
PO Box 1027
Sioux Falls, SD 57101

State Farm Insurance Companies
PO Box 2329
Bloomington, IL 61702-2329

Lease Financial Group
233 N. Michigan Ave., Ste. 1
Chicago, IL 60601

Military Star
Attn: Bankruptcy
PO Box 650062
Dallas, TX 75313

Sitework Engineering
444 Executive Center, Ste. 134
El Paso, TX 79902

New York Life Ins. Co.
PO Box 130539
Dallas, TX 75313

Speesoil, Inc.
3600 Esper Drive
El Paso, TX 79936

Hector Phillips, PC
1017 Montana Ave.
El Paso, TX 79902

Los Ranchos Del Rio
Property Owners Assoc
PO Box 2914
Sunland Park, NM 88063

Southwest Credit Systems, LP
5910 W. Plano Parkway, Suite 100
Plano, TX 75093-4638

Credit Management
4200 International Parkway
Carrollton, TX 75007

Sysco
601 Comanche Rd., NE
Albuquerque, NM 87125

Verizon Wireless
15900 S. Eastgate Way
Bellevue, WA 98008

/s/ Sidney J. Diamond
Sidney J. Diamond